

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-02 IO-10 CAB-05 CIAE-00

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TO SECSTATE WASHDC PRIORITY 6155

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FROM USREP ICAO

E. O. 11652: N/A

TAGS: PORC, EAIR, ICAO

SUBJ: ICAO COUNCIL CONSIDERATION OF ANC RECOMMENDATIONS RE CAN/4
ON AIRCRAFT NOISE (CWP 6156 AND 6166)

REF: A) STATE 068297; B) STATE 068611

SUMMARY: COUNCIL TOOK ACTION ON PARA 3 OF WP 6156 (WITH MODIFICATIONS ON 7/1 AND 7/2 AS CONTAINED CWP 6166); APPROVAL OF 8/2 DELETING 5 YEAR REVIEW OF ANNEX 16 BY REVISING PARA 8:4.1 SUB PARA 4. US WAS SMASHED OVERWHELMINGLY ON EVERY VOTE RE 6166. DISCUSSION UNWAIVERING FROM ALL STATES CLEARLY INDICATING THAT COUNCIL INTENDS TO PROCEED TO INTERNATIONAL AGREEMENT ON THIS PROBLEM BUT WILL NOT ADOPT A PROGRAM UNTIL THE US MANUFACTURERS PROVIDE TECHNICAL AND COST DATA RE RETROFIT PROGRAMS.

1. CONSIDERATION OF WP-6156 BEGAN ON PARA BY PARA BASIS, MOVING ROUTINELY THROUGH ACCEPTANCE OF RECOMMENDATION 3/2.

2. CONSIDERATION OF 7/1 AND 7/2 BEGAN WITH PRES TURNING TO CWP 6166 WHICH CONTAINED A FORMAL PROPOSAL FROM COUNCIL MEMBER STATES REGARDING APPROVAL OF THESE RECOMMENDATIONS. ARGENTINA PRESENTED UNCLASSIFIED

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6156 STATING THAT THE AUTHORS FELT THAT RESOLUTIONS 7/1 AND 7/2

DO NOT REPRESENT THE CONCLUSIONS OF CAN AND THAT OPERATING STATES HAD NOT BEEN ABLE TO ADOPT ANY PROGRAM BECAUSE OF LACK OF DATA (ESPECIALLY COST DATA) FROM MANUFACTURING STATES. HE POINTED OUT THAT AFTER CAN III COUNCIL HAD NOT ADOPTED RECOMMENDATIONS 1/1 AND 1/2 BUT INSTEAD HAD ADOPTED THE LANGUAGE OF RECOMMENDATIONS A AND B SENT OUT WITH STATE LETTER AN 1/54.7-74/94. HE SAID THAT THE CANIV RESOLUTIONS WERE SIMPLY A RECORDING OF VIEWS EXPRESSED, AND DID NOT JUSTIFY RECOMMENDATIONS. HE SAID THAT ALL SPONSORS OF WP 6166 FELT THAT THE WP REPRESENTS MORE ACCURATELY THE WORK OF THE COMMITTEE. FOLLOWING HIS PRESENTATION, PAKISTAN AND YUGOSLAVIA ASKED TO BE ADDED AS SPONSORS OF 6166 MAKING THE TOTAL 12, REPRESENTING ALL REGIONS EXCEPT AFRICA.

3. JAPAN SPOKE AFTER INTRODUCTION, COMPLIMENTING CWP 6156, SUPPORTING RECS 7/1 AND 7/2 BUT POINTING OUT THAT THE WHOLE NOISE PROBLEM IS NOT ENTIRELY A CIVIL AVIATION MATTER BUT A QUESTION OF ENVIRONMENT, AND REFERRED TO ASSEMBLY RESOLUTIONS EXPRESSING ICAO'S BASIC ENVIRONMENT POLICY. PRES/COUNCIL SENSED A MAJOR PROPOSAL WAS COMING AND CALLED COFFEE BREAK. THIS ENABLE USREP AND JAPANREP TO DISCUSS JAPAN PROPOSAL (REFTEL B) WITH ARGENTINA. ARGENTINA WAS ADAMANT AND SAID AUTHORS WOULD NOT MODIFY PAPER AND SPOKE IN SUCH A LOUD VOICE THAT JAPAN FOUND IT "INADVISABLE" TO PROCEED WITH TOTAL APPROACH (REFTEL B).

4. FOLLOWING COFFEE BREAK, JAPAN DID PROPOSE DELETION OF SECOND SENTENCE SUB-PARA (A) CWP 6166. US MADE STRONG STATEMENT OF OPPOSITION TO THIS SENTENCE AND GAVE FORMAL SUPPORT TO JAPAN PROPOSAL TO DELETE. MEXICO MADE STRONG STATEMENT THAT STATES COULD NOT BE EXPECTED TO SHOULDER BLIND BURDEN OF RETROFIT WITHOUT INFORMATION ON ECONOMIC IMPLICATIONS. BRAZIL SUPPORTED MEXICO IN STRONGLY OPPOSING THE DELETION. HE POINTED OUT THAT SUB-PARA (A) SECOND SENTENCE SIMPLY REITERATES COUNCIL'S RECOMMENDATION (B) OF YEAR AGO REQUESTING INFORMATION FROM MANUFACTURERS WHICH HAS NOT BEEN FORTHCOMING. LEBANON OPPOSED DELETION AND STRONGLY SUPPORTED WP 6166 IN TOTAL. ARGENTINA VIOLENTLY OPPOSED DELETION. JAPANESE PROPOSAL TO DELETE SECOND SENTENCE (A) RESULTED IN VOTE OF 3 FOR DELETION (JAPAN, US, AUSTRALIA), AND 21 AGAINST.

5. RE B) UK, FRANCE AND OTHERS EXPRESSED EDITORIAL CONCERN ABOUT THE PHRASE "IN THIS MATTER". PRES INTERPRETED PHRASE AS REFERRING UNCLASSIFIED

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TO "AIRCRAFT NOISE" BUT ASKED AUTHORS OF PAPER FOR INTERPRETATION. ARGENTINA REPLIED THAT IT REFERS TO "THE WHOLE QUESTION OF RETROFIT". FOLLOWING DISCUSSION THE WORDS "FULLY ENDORSES" WERE CHANGED TO "REITERATES" AND PARA WAS ADOPTED.

6. DISCUSSION OF (C) WAS INITIATED BY STRONG STATEMENT OF OPPOSITION BY US, FOLLOWED BY STRONG OPPOSITION FROM JAPAN. CANADIAN REP HAD EDITORIAL PROBLEM WITH "INTERNATIONAL AGREEMENT".

AUSTRALIA ALSO OPPOSED (C). INDONESIA POINTED OUT THAT C) SIMPLY REITERATES THE LANGUAGE ADOPTED BY COUNCIL IN STATE LETTER OF JULY 19, 1974 REFERRED TO ABOVE. FORMAL VOTE WAS NOT TAKEN BUT IT WOULD HAVE BEEN 3 TO 21 AS ON SUB-PARA. PRES/COUNCIL THEN RETURNED TO US REQUEST FOR SEPARATE VOTE ON TWO PARTS OF PARA A). HE RULED THAT THIS WAS AN ACCEPTABLE PROCEDURE UNDER RULE 49 AND GRANTED US REQUEST. REP OF ARGENTINA REFERRED TO RULE 49 ALSO TO OPPOSE US REQUEST -- SEPARATE VOTE MAY BE TAKEN "UNLESS OPPOSED BY MAJORITY OF VOTES CAST". USREP THEN MADE FORTHRIGHT STATEMENT THAT US WISHED AN OPPORTUNITY TO VOTE FOR RECOMMENDATIONS 7/1 AND 7/2 BUT COULD NOT VOTE FOR SECOND SENTENCE OF SUB-PARA (A). ARGENTINA STATED THAT SENTENCES OF PARA A) WERE INSEPARABLE AND THAT PREVIOUS COUNCIL DECISION NOT TO DELETE SECOND SENTENCE HAD BOUND THE TWO TOGETHER. PRES/COUNCIL STAYED WITH HIS RULING, ARGENTINA ALSO STAYED WITH OPPOSITION TO US REQUEST FOR SEPARATE VOTES, AND A MAJORITY OF THE COUNCIL OVER- RULED THE US REQUEST (5 FOR (US, UK, FRANCE, AUSTRALIA, JAPAN) / 19 AGAINST).

7. SUB-PARA (A) THEN WENT TO THE VOTE IN TOTAL WITH 26 FOR, 2 OPPOSED (US AND AUSTRALIA) AND 1 ABSTENTION (JAPAN).

8. CONTINUING WITH CWP 6156 COUNCIL CONSIDERATION OF RECOMMENDATION 8/2 BROUGHT ON ANXIOUS COMMENTS FROM MEXICO REGARDING "PRECIPITIOUS ACTION" IN REVIEWING ANNEX 16 WITH VIEW TO MAKING STANDARDS OUT OF RECOMMENDED PRACTICES. PAKISTAN AND MEXICO OBJECTED TO 5-YEAR REVIEW. ONLY FRANCE SPOKE IN FAVOR OF REVISED TERMS IN GENERAL. THERE WAS CONSIDERABLE DISCUSSION BUT WITH ASSISTANCE FROM PRES/COUNCIL THE LANGUAGE ADOPTED ONLY DELETED REFERENCE TO REVIEW "AT LEAST EVERY 5 YEARS". REVIEW OF ANNEX 16 IS STILL IN ORDER AT ANYTIME COUNCIL OR SUBORDINATE BODIES REQUEST IT. WITH ASSISTANCE OF FRG, PRES ALSO SUGGESTED ADDING THE GEN POSSIBILITY OF "IMPROVING" THE ANNEX, NOT JUST LIMITING REVIEW TO EXISTING UNCLASSIFIED

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TING MATERIAL. WHEN DISCUSSION OF 6156 HAD CONCLUDED, BRAZIL MADE HURRIED STATEMENT FOR RECORD REFERRING TO REC 7/2 B) THAT "IF INFORMATION WAS NOT RECEIVED FROM MANUFACTURING STATES BY JULY '75, THE JAN 1976 DEADLINE FOR STATES OF REGISTRY TO FILE INTENTS COULD NOT BE MADE APPLICABLE". ARGENTINA QUICKLY SUPPORTED. THERE WAS NO INVITATION FOR DISCUSSION AND PRES MOVED TO NEXT ITEM.

9. THE BASIC CONTROVERSIAL ISSUES ON THIS PAPER WERE 7/1 AND 7/2 (RETROFIT). THE COUNCIL DELIBERATIONS (FOLLOWED SEVERAL DAYS NEGOTIATIONS AMONG ALL COUNCIL MEMBERS, EXCEPTING THE US AND JAPAN), CLOBBERED THE US AS THE RETROFIT MANUFACTURING STATE. THE ONLY STEADY SUPPORT FOR US POSITION CAME FROM AUSTRALIA (WHO SIMPLY BRAVED THE COURAGE OF HIS CONVICTIONS), AND JAPAN (WHO ABANDONED HIS PROPOSAL MID-STREAM IN THE FACE OF OVERWHELMING OPPOSITION AND FINALLY EVEN ABANDONED VOTING WITH US AGAINST

6166.)

10. US INSTRUCTIONS WERE RIDICULOUS AND NOT TIMELY, AND USREP FEELS
THAT IT IS NECESSARY TO COMMENT IN THIS REGARD IN SEPTTEL.
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